

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

**In re: Michael Robert Dickinson
3717 Patterson Avenue
Richmond, VA 23221
SSN # xxx-xx-4844**

Case No.: 18-34024-KRH

Debtor

Chapter 13

NOTICE OF MOTION FOR AUTHORITY TO INCUR DEBT

The above named Debtor has filed a Motion for Authority to Incur Debt in this bankruptcy case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one.

Pursuant to Local Bankruptcy Rules 9013-1. Unless a written response is filed with the Clerk of Court and served on the moving parties within twenty-one (21) days of this notice, objecting to the relief requested, the Court may deem any opposition waived, treat the Motion as conceded and issue an order granting the requested relief.

If you mail your response to the court for filing, you must mail it to the address listed immediately below and early enough so that the Court will **receive** it within the time period stated above.

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street, Suite 4000
Richmond, VA 23219-3515

You must also mail a copy to:

Stuart Law Firm, LLC
8002 Discovery Drive, Suite 422
Henrico, VA 23229

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Sharon C. Stuart, Esquire
Stuart Law Firm, LLC
8002 Discovery Drive, Suite 422
Henrico, VA 23229
(804) 221-2162 office
(804) 381-5026 facsimile
Virginia State Bar No. 45026

Dated: May 4, 2023

STUART LAW FIRM, LLC
Counsel for Debtor

By: /s/ Sharon C. Stuart
Sharon Choi Stuart, Esquire (VSB #45026)
Stuart Law Firm, LLC
8002 Discovery Drive, Suite 422
Henrico, VA 23229
(804) 221-2162 office telephone
(804) 381-5026 facsimile

CERTIFICATE OF SERVICE

I certify that on May 4, 2023, I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to the Debtor, Chapter 13 trustee, the United States trustee if other than by electronic means provided for at Local Bankruptcy Rule 2002-1, and to all creditors and parties in interest on the mailing matrix attached hereto.

/s/ Sharon Choi Stuart
Counsel for Debtor

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MOTION FOR AUTHORITY TO INCUR PARTIAL CLAIM

Comes Now, the Debtor, Michael Robert Dickinson, by counsel, Sharon C. Stuart to file this Motion for Authority to Incur Debt Secured by Personal Property under 11 U.S.C. §§ 364(a) and 1304 (b), Federal Rules of Bankruptcy Procedure 4001(c) and 9014, and Local Bankruptcy Rules 9013-1. The Debtor states the following in support of his Motion for Authority to Incur:

Jurisdiction

1. This Court has exclusive jurisdiction over this matter under 28 U.S.C. §1334.
2. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(A) and (B).
3. Venue is proper pursuant to 28 U.S.C. §1409.

Facts

4. On August 8, 2018, Michael Robert Dickinson (the “Debtor”) commenced this case by filing a voluntary petition under Chapter 13 of the U.S. Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division under 11 U.S.C. §101 et seq.

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5. The Property is encumbered by a first deed of trust lien, which secures the payment of a promissory note to PennyMac Loan Services, LLC (the "Mortgage Lender").
6. The Debtor has obtained an offer from PennyMac Loan Services ("PennyMac") to process a Partial Claim with the Department of Housing and Urban Development ("Partial Claim").
7. The Mortgage Lender PennyMac Loan Services, LLC has tendered a document to Debtor detailing the terms of partial claim ("Partial Claim"). Such document is attached to this motion as **Exhibit A** and incorporated herein by this reference.
8. The partial claim allows a secondary lien in the amount of \$18,037.38 ("HUD Partial Claim Amount") to be placed against the debtor's residence located at 3717 Patterson Avenue, Richmond, Virginia 23221, more fully described below as:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND WITH IMPROVEMENTS THEREON AND APPURTENANCES THERETO INCLUDING THE GENERAL AND LIMITED COMMON ELEMENTS INCIDENT THERETO, DESCRIBED AS UNIT 3717 CONTAINING 828 SQUARE FEET IN MOUNT VERNON CONDOMINIUM, SITUATED IN THE CITY OF RICHMOND, VIRGINIA, AS DEFINED AND DESCRIBED IN THE DECLARATION DATED DECEMBER 14, 1981, AND ON THE PLATS THERETO ATTACHED AS EXHIBIT A, B, AND C-1 THROUGH C-22, WHICH DECLARATION WAS RECORDED ON DECEMBER 15, 1981, IN THE CLERK'S OFFICE, CIRCUIT COURT, CITY OF RICHMOND, VIRGINIA, IN DEED BOOK 790, PAGE 401. BEING THE SAME REAL ESTATE CONVEYED TO MICHAEL R. DICKINSON BY DEED FROM WILLIAM A. PYLARIS DATED MAY 5, 2008, RECORDED MAY 7, 2008, IN THE CLERK'S OFFICE, CIRCUIT COURT, CITY OF RICHMOND, VIRGINIA, AT INSTRUMENT NUMBER 08-12433.

Parcel Identification No.: W0001704014

ALSO KNOWN AS: 3717 PATTERSON AVENUE, RICHMOND, VA 23221

9. The Partial Claim is a second lien against debtor's home to secure payments debtor missed.
10. The Partial Claim utilizes a Subordinate Note and Security Instrument to capitalize past due interest, fees, or costs that was outstanding on debtor's mortgage loan.

11. The manner of payment of the HUD Partial Claim amount of \$18,037.38 shall be due when any of the following occurs first:

- a. November 1, 2042, the maturity date of the primary loan guaranteed under Section 184A program;
- b. Borrower's full repayment of all amounts due under the primary Note and related mortgage, deed of trust or similar security instrument insured by the Secretary;
- c. The primary Note and related mortgage, deed of trust, or similar security instrument are no longer insured by the Secretary; or
- d. When the property is no longer occupied by the Borrower.

12. Debtor has the right to pay the HUD Partial Claim amount, in whole or in part, without charge or penalty.

13. The Debtor asserts that this debt will not adversely impact his ability to make payments under the Plan.

WHEREFORE, the Debtor prays that this Court enter an Order permitting the Debtor to incur the Partial Claim as set forth herein, and for any other relief that the Court deems proper.

Respectfully submitted,
Michael Robert Dickinson

By: /s/ Sharon C. Stuart
Debtor's Counsel
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Stuart Law Firm, LLC
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/s/ Sharon Choi Stuart
Counsel for Debtor